

USO 4571.3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Roy E. Wuthier et al. Art Unit 1616
Serial No. 10/696,760
Filed October 29, 2003
Confirmation No. 6691
For FC101 AND ANALOGS AS A METHOD OF TREATMENT FOR CANCER
Examiner Alton Nathaniel Pryor

September 16, 2005

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, University of South Carolina, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,932,611 and 6,660,765. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

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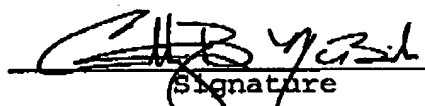
maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

September 16, 2005
Date


Signature
Timothy B. McBride
Typed or Printed Name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.
☒ PTO suggested wording for terminal disclaimer was
☒ unchanged
☐ changed (if changed, an explanation should be supplied)

Via Facsimile